

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34962 of 2016

Arising Out of PS.Case No. -132 Year- 2016 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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Raj Ballabh Singh Proprietor cum Director of Kishan Rice Industries Pvt. Ltd., Son of Shivnarayan Singh, Resident of Village- Narsanda, P.O.- Narsanda, P.S.- Chandi, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation, through the District Manager, Nalanda, District- Nalanda

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate
For the Opposite Parties : Mr. Dilip Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-09-2016 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the opposite party no.2 as well as APP for the State.

Petitioner apprehends arrest in connection with Chandi P.S. Case No. 132 of 2016 for offences alleged under Sections 406 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner has defalcated Rs. 1,21,99,214.93/- by way of not depositing 6787.72 quintal rice. Hence, certificate case bearing no. 25/2013-14 was lodged against the petitioner for recovery of the due amount wherein accepting his guilt, he deposited only Rs. 25,00,000/- and

rest amount of Rs. 1,21,99,214.93/- is still outstanding against him. As per the agreement of milling paddy, the petitioner was required to deposit total 45082.96 quintal of rice by 31.12.2013 but he deposited only 38295.24 quintal of rice.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that petitioner is not a proprietor of M/s Kisan Rice Industries Pvt. Ltd. but he is one of the Directors which is evident from the agreement signed by both the parties where the petitioner has been shown as proprietor and has also been shown as a Director. It has further been submitted that a certificate case no.25 of 2013-14 is also pending against him. He submits that he has pledged the land area 4.33 ¼ decimals of one of the Directors of the company which has been certified by the Circle Officer to be of a market value of Rs. 1,08,31,250/-. However learned counsel appearing on behalf of the opposite party no.2 disputes that such pledge was ever executed by the petitioner and the landed property does not belong to the petitioner. It has also been submitted by the counsel for the petitioner that being a businessman certificate case has been lodged against the petitioner for recovery of the alleged embezzled amount and that the petitioner has no criminal antecedent as is

evident from para-3 of this application.

However, apart from disputing the pledge, the learned counsel for the opposite party no.2 submits that the petitioner has not deposited the milled rice in lieu of paddy which was delivered and has embezzled huge money of the Corporation, hence, opposes the prayer for bail.

Learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner agrees to deposit Rs. 20,00,000/- within six months, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Chandi P.S. Case No. 132 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

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